THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.793 OF 2006

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Dated: 10-01-2006

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Between

M/s. Manikanta Developers & Builders,

Rep. by its Managing Partner, N. Jaiprakash

S/o. Sri Vishwanatham, Businessman,

R/o. Plot No.19/A, Indian Airlines Colony,

Bowenpally, Secunderabad.

...PETITIONER

AND

The Commissioner, Nizamabad Municipal

Council, Nizamabad.

...RESPONDENT

ORDER:

Petitioner seeks a Writ of Mandamus to direct the respondent, his official and agents not to interfere with its construction work over the land covered by Municipal Nos.6-5-34, 34/1 and 34/2 of Nizamabad.

Learned counsel for the petitioner submits that the petitioner-firm purchased land

admeasuring 557.06 Sq. yards situated at Azad Nagar, Nizamabad from its owners vide agreement of sale dated 20.04.2005. The learned counsel further submits that the owners of the said land earlier obtained building permit for the construction of roof/terrace/building/compound wall/latrine at No.7 Street Subhash Nagar, Nizamabad from the Commissioner (Election Grade), Municipal Council, Nizamabad vide proceedings No.BA/D2/445 dated 05.03.2005 on certain conditions. The learned counsel further submits that having granted the building permit the officials of the respondent are coming and interfering with the construction of the building in the aforementioned land.

If the officers of the respondent are interfering with the said construction it is always open for the petitioner to make a representation before the respondent against the concerned officials and without making any representation before the respondent the petitioner is not entitled to approach this Court straightaway seeking writ of mandamus.

Having regard to the facts and circumstances of the case,
the writ petition is disposed of directing the petitioner to make a representation before the respondent and if any such representation is filed, the respondent may consider and pass appropriate orders in accordance with law.

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V. ESWARAIAH, J

January 10, 2006

DSK